

FILED BY *JF* D.C.

IN THE UNITED STATES DISTRICT COURT
05 MAY 2005 FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

2005 APR 19 AM 9:45

ROBERT R. DI TROLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

STEPHANIE SIMMONS,

Plaintiff/Counter-Defendant,

vs.

ALLSTATE INSURANCE COMPANY,

Defendant/Counter-Plaintiff.

No. 04-2075-MIP

MOTION GRANTED

Jon Phipps McCalla
JON PHIPPS McCALLA
U.S. DISTRICT JUDGE

MAY 24, 2005

DATE

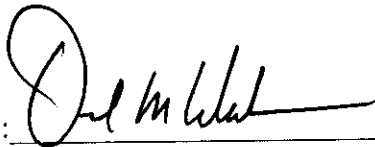
MOTION TO ADD NECESSARY PARTY AND INTERPLEAD FUNDS INTO COURT

Comes now Allstate Insurance Company, by and through counsel, pursuant to Rule 14 of the Federal Rules of Civil Procedure, and moves this Court for leave to file a petition to interplead funds from the settlement of the case of Stephanie Simmons v. Allstate Insurance Company into the court and that it be allowed leave to add the necessary party, Washington Mutual Finance Group, LLC f/k/a Washington Mutual Bank, FA, as a necessary party to this action. Allstate would show to the Court that it is has settled its case with Stephanie Simmons for \$73,000.00 and that Washington Mutual is listed as the mortgagee on the policy of insurance with Allstate Insurance Company. Allstate Insurance Company cannot issue the settlement check directly to Stephanie Simmons without a release from Washington Mutual. Allstate has not been able to obtain such release and therefore it is necessary to bring Washington Mutual in as a necessary party to determine any rights, which it may have to the settlement proceeds.

Attached hereto as Exhibit "A" is a proposed interpleader petition Allstate seeks to file with this Court.

Respectfully submitted,

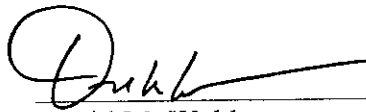
HOLLEY, WALDROP, NEARN & LAZAROV, P.C.

BY: 

David M. Waldrop (B.P.R. #13079)
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HWNL No.: 2.2815

CERTIFICATE OF SERVICE

i hereby certify that a copy of the foregoing has been served upon DeeShawn Peoples, Attorney at Law, 100 N. Main Street, Suite 2909, Memphis, TN 38103, by placing same in the U. S. Mail, postage prepaid, this the 19th day of April, 2005.


David M. Waldrop



Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CV-02075 was distributed by fax, mail, or direct printing on May 24, 2005 to the parties listed.

Dee Shawn Peoples
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9032 Stone Walk Place
Germantown, TN 38138

Honorable Jon McCalla
US DISTRICT COURT